

Council Communication

Department: Legal	Ordinance No.	
Case/Project No.	Resolution No. <u>09-296</u>	Council Action: <u>10/12/09</u>
Applicant		
SUBJECT/TITLE		
<p>A resolution to authorize the City's intent to enter an Easement Agreement with the Council Bluffs Water Works and MidAmerican Energy Company.</p>		
BACKGROUND		
<p>Council Bluffs Water Works is in the process of constructing a new water treatment plant in the area of Gifford Road and MidAmerican Energy Company is installing power transmission lines. This new construction is in the area of the City's Recycling Center and an Easement Agreement form to these two parties is important for this new project.</p>		
RECOMMENDATION		
<p>It is in the City's best interest to approve the Easement Agreement in this matter.</p>		

Richard Wade

Department Head Signature

Mayor Signature

SMITH PETERSON LAW FIRM, LLP

PARTNERS

*ROBERT J. LAUBENTHAL
*RICHARD A. HEININGER
*LAWRENCE J. BECKMAN
*GREGORY G. BARNTSEN
*STEVEN H. KROHN
*JOSEPH D. THORNTON
*THOMP J. PATTERMANN
ASSOCIATES
*MARVIN O. KIECKHAFFER
*NATHAN R. WATSON
RICK C. KIMBLE

EST. 1908
35 MAIN PLACE, SUITE 500
P.O. BOX 249
COUNCIL BLUFFS, IOWA 51502
(712) 328-1835
FAX (712) 328-8520
www.smithpeterson.com
email@smithpeterson.com

RAYMOND A. SMITH (1892-1977)
JOHN LEROY PETERSON (1894-1969)

OF COUNSEL
HAROLD T. BECKMAN

*LICENSED IN IOWA AND NEBRASKA

April __, 2009

Donn Dierks, Director of Public Health
c/o City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, IA 51503

Re: Council Bluffs Water Works / MidAmerican Energy Company
Easement for Water Main and Power Transmission Lines

Good morning.

Our firm represents the interests of the Council Bluffs Water Works which is in the process of constructing a new water treatment plant in south Council Bluffs adjacent to Gifford Road.

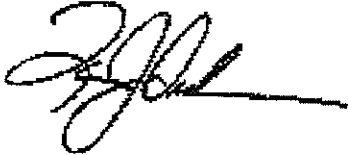
Accompanying this letter you will find:

1. a cadastral prepared by HGM showing the plant site at the bottom of the page and the easements required for the construction of both a thirty inch (30") below ground water main by the Water Works and above ground power lines by MidAmerican Energy Company; as you will note therein, a joint easement covering .528 acres will be required from the City along the eastern boundary of its property abutting the property of McAllen Properties Omaha, LLC (the FedEx site);
2. a survey of the subject easement area; and
3. the proposed Easement Agreement.

Please review all of the above and advise whether the City will be willing to grant the requested easement to the Water Works and MidAmerican Energy as soon as possible.

Page 2
April __, 2009

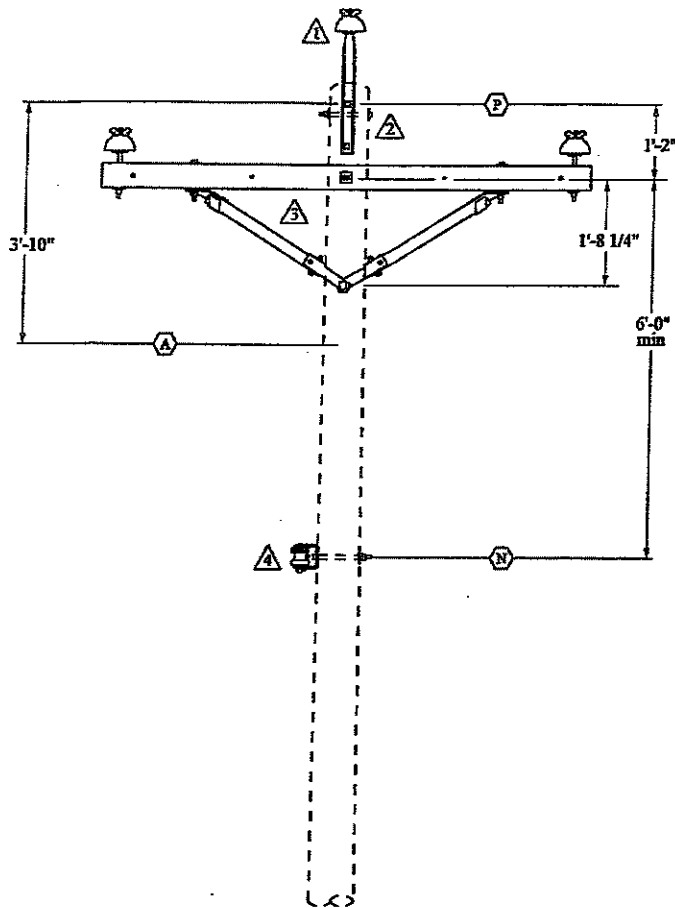
If you have any questions, please do not hesitate to contact me as we would like to acquire all of the necessary easements within the next thirty (30) days.

A handwritten signature in black ink, appearing to read 'LJ Beckman', with a long horizontal line extending to the right.

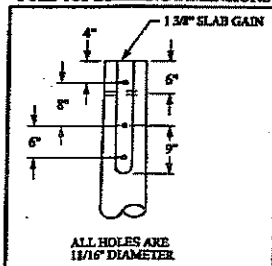
LAWRENCE J. BECKMAN
LJB/hh

Direct Email: ljbeckman@smithpeterson.com

cc(eml): Douglas P. Drummey w/o enclosures
David Lane w/o enclosures



POLE TOP DRILLING DIMENSIONS



TAG	CU LIST	QTY
△	FMC100	1
△	FMC150	1
△	FMC498	1
△	SFC200	1

CU CATEGORY
OFFRAME



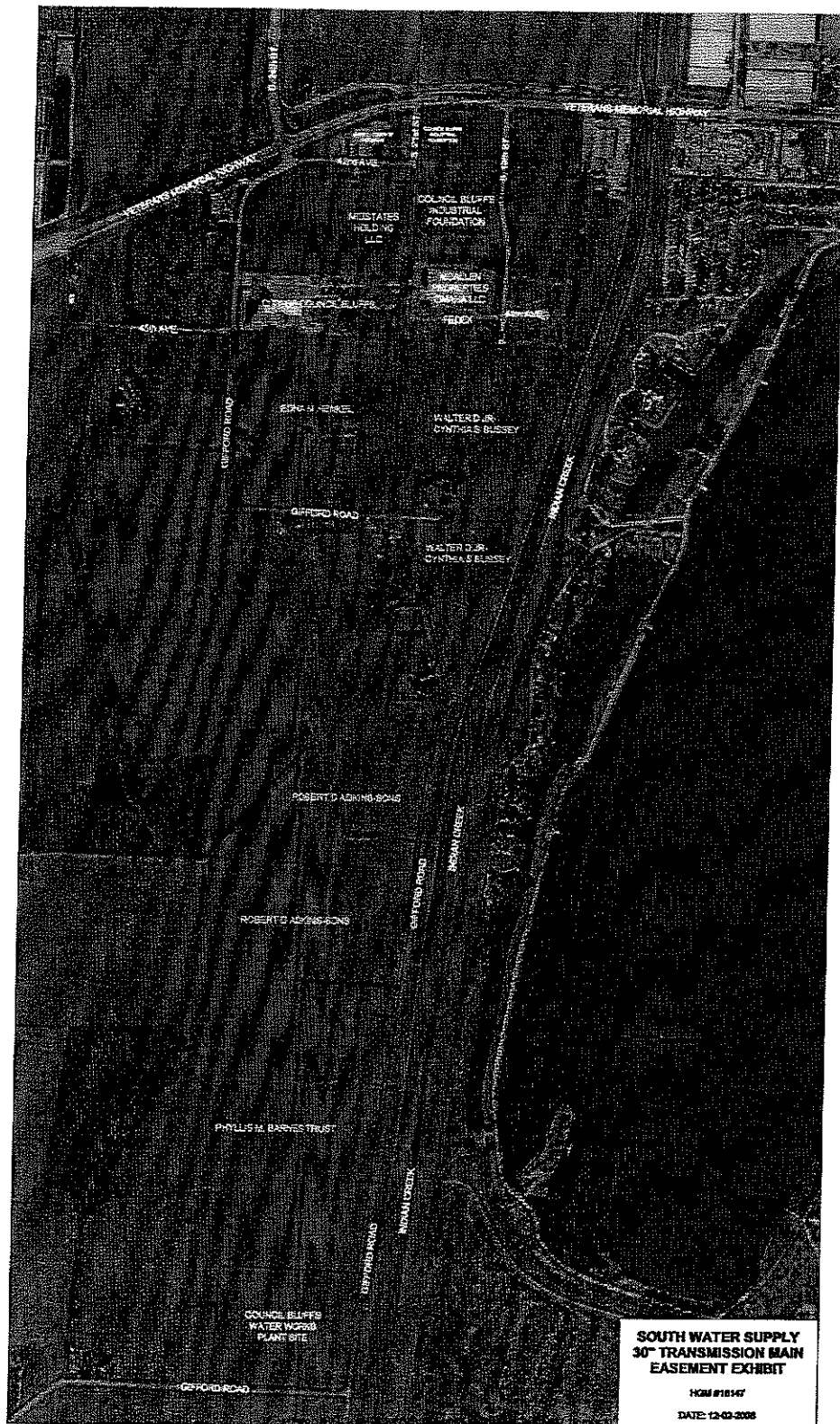
DRAWN BY
MLL

APPROVED BY
ASM

THREE PHASE
8-FOOT CROSSARM
TANGENT

CR8M100

REV. NO.	REV. DATE	ISSUE DATE
1	11/17/04	12/01/02



EASEMENT AGREEMENT

Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)

Council Bluffs Water Works, P. O. Box 309, Council Bluffs, IA 51502, Phone 712.328.1006
Douglas P. Drummey, General Manager. Reviewed and approved by legal counsel for the Board of Water Works Trustees of the City of Council Bluffs, Iowa.

Taxpayer Information: (Name and complete address)

Council Bluffs Water Works, P. O. Box 309, Council Bluffs, IA 51502, Phone 712.328.1006
Douglas P. Drummey, General Manager.

Return Document To: (Name and complete address)

Council Bluffs Water Works, P. O. Box 309, Council Bluffs, IA 51502, Phone 712.328.1006
Douglas P. Drummey, General Manager.

Grantors:

City of Council Bluffs, Iowa

Grantees:

City of Council Bluffs, Iowa, for the use and benefit of The Board of Water Works Trustees of the City of Council Bluffs, Iowa

And

MidAmerican Energy Company, an Iowa corporation

Legal Description: See next page.

Document or instrument number of previously recorded documents if applicable:

EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Council Bluffs, Iowa, a Municipal Corporation in the County of Pottawattamie and the State of Iowa, by its Mayor thereunto duly authorized, as hereinafter set forth, for good and sufficient valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey unto the City Of Council Bluffs, Iowa (the "City"), for the use and benefit of The Board of Water Works Trustees of the City of Council Bluffs, Iowa, (the "Water Works") AND MidAmerican Energy Company, an Iowa corporation ("MAE"), (the City and MAE being individually a "Grantee" and collectively the "Grantees" and the Water Works and MAE being individually a "Utility" and collectively the "Utilities") a permanent non-exclusive easement fifty (50) feet in width, over, under, along, across and through the following described real estate situated in the City of Council Bluffs, Pottawattamie County, Iowa, to-wit:

See Exhibit "A"

including the perpetual right of either of the Utilities to enter upon said real estate, at any time that they may see fit, and construct, reconstruct, inspect, maintain, repair, replace and operate or remove underground pipe lines, water mains and electric transmission and distribution lines for the purpose of conveying water and electric energy and for communication and electrical controls, including underground wires and cables, the necessary poles, wires, guys, anchor and other appurtenances (collectively the "Facilities") under and on the surface of the ground, over, under, along, across, and through said real estate, together with the right to excavate and refill ditches and/or trenches for the location of said pipe lines, water mains and electric transmission and distribution lines and the further right to clear and keep clear or remove trees, bushes, saplings, undergrowth, and other obstructions as may be necessary interfering with the location, construction and maintenance of said pipe lines, water mains and electric transmission and distribution lines.

The Easement herein granted shall be a servient estate which shall run with the land and be binding on the successors-in-interest to said tracts of land.

The Utilities shall properly and promptly refill any excavations made on said premises after the purpose of said excavation has been fulfilled and shall leave the premises in the same general condition, but for the presence of above ground electric transmission and distribution lines, as it

was in before the Utilities went upon the same; further, that if any fences or existing structures are moved for the purpose of laying, maintaining, operating or replacing said pipe lines, water mains or electric transmission and distribution lines, such fences and structures shall be promptly replaced by the Utilities upon completion of the work requiring such removal. Damages to property real or personal of the undersigned, its successors and assigns, by the Utilities while constructing or maintaining the lines shall be paid to the party damaged by the Utility responsible for said damages.

In further consideration for the good and sufficient valuable consideration received by the undersigned, no building shall be constructed and or changes shall be made in ground elevation by the Grantor within the easement area without permission from the Utilities indicating that said construction and or ground elevation changes will not interfere with the Utilities rights to operate and maintain their Facilities.

Further, the undersigned covenants with Grantees that the undersigned is lawfully seized and possessed of the real estate above described; that it has good and lawful right to convey it, or any part thereof, that it is free from all encumbrances, and that the undersigned will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

Words and phrases herein, including the acknowledgement, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

All provisions of this Agreement shall inure to the benefit of and be binding upon and applicable to the successors, personal representatives, heirs, and assigns of the parties hereto the same as if they were in all instances named herein.

[signature page follows]

In Witness, Whereof, the City of Council Bluffs, Iowa, has caused these presents to be signed by its Mayor and the seal of said City duly attested by the City Clerk has been affixed this ____ day of _____, 2009.

City of Council Bluffs

Thomas P. Hanafan, Mayor

Attest:

Marcia L. Worden, City Clerk

STATE OF IOWA)
) ss
COUNTY OF POTTAWATTAMIE)

This instrument was acknowledged before me on the ____ day of _____, 2009, by Thomas P. Hanafan and Marcia L. Worden, as the Mayor and City Clerk, respectively, of the City of Council Bluffs, Iowa, a municipal corporation.

Notary Public in and for said State

(Seal)

Exhibit "A"

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, NORTH 87 DEGREES 34 MINUTES 33 SECONDS WEST, 50.00 FEET;

THENCE NORTH 02 DEGREES 17 MINUTES 14 SECONDS EAST, 459.94 FEET;

THENCE SOUTH 87 DEGREES 33 MINUTES 49 SECONDS EAST, 50.00 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG SAID EAST LINE, SOUTH 02 DEGREES 17 MINUTES 14 SECONDS WEST, 459.93 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 0.528 ACRE, MORE OR LESS.

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 09-296

A RESOLUTION OF INTENT TO DISPOSE OF CERTAIN CITY PROPERTY BY GRANTING AN EASEMENT AGREEMENT FROM THE CITY TO THE COUNCIL BLUFFS WATER WORKS AND MIDAMERICAN ENERGY COMPANY.

WHEREAS, the Water Works is having a new water treatment plant constructed in Council Bluffs and the site location is on the east area of the our recycling center; and

WHEREAS, the City is willing to grant said easement to the Water Works and MidAmerican Energy Company for the new treatment plant and the power transmission lines; and

WHEREAS, the Easement Agreement is attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That it is in the City's best interest to grant an Easement Agreement to the Council Bluffs Water Works and the MidAmerican Energy Company; and

BE IT FURTHER RESOLVED

That said matter be set for public hearing on October 26th, 2009, as prescribed by law.

ADOPTED
AND
APPROVED October 12, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading October 12, 2009
Case/Project No.: FY10-06A Resolution No. 09-297
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting November 10, 2009 at 10:00 a.m. as the date and time for the bid opening for 29th Avenue Outfall Relocation for I-80/I-29 Reconstruction Segment 2. Project # FY10-06A.

BACKGROUND/DISCUSSION

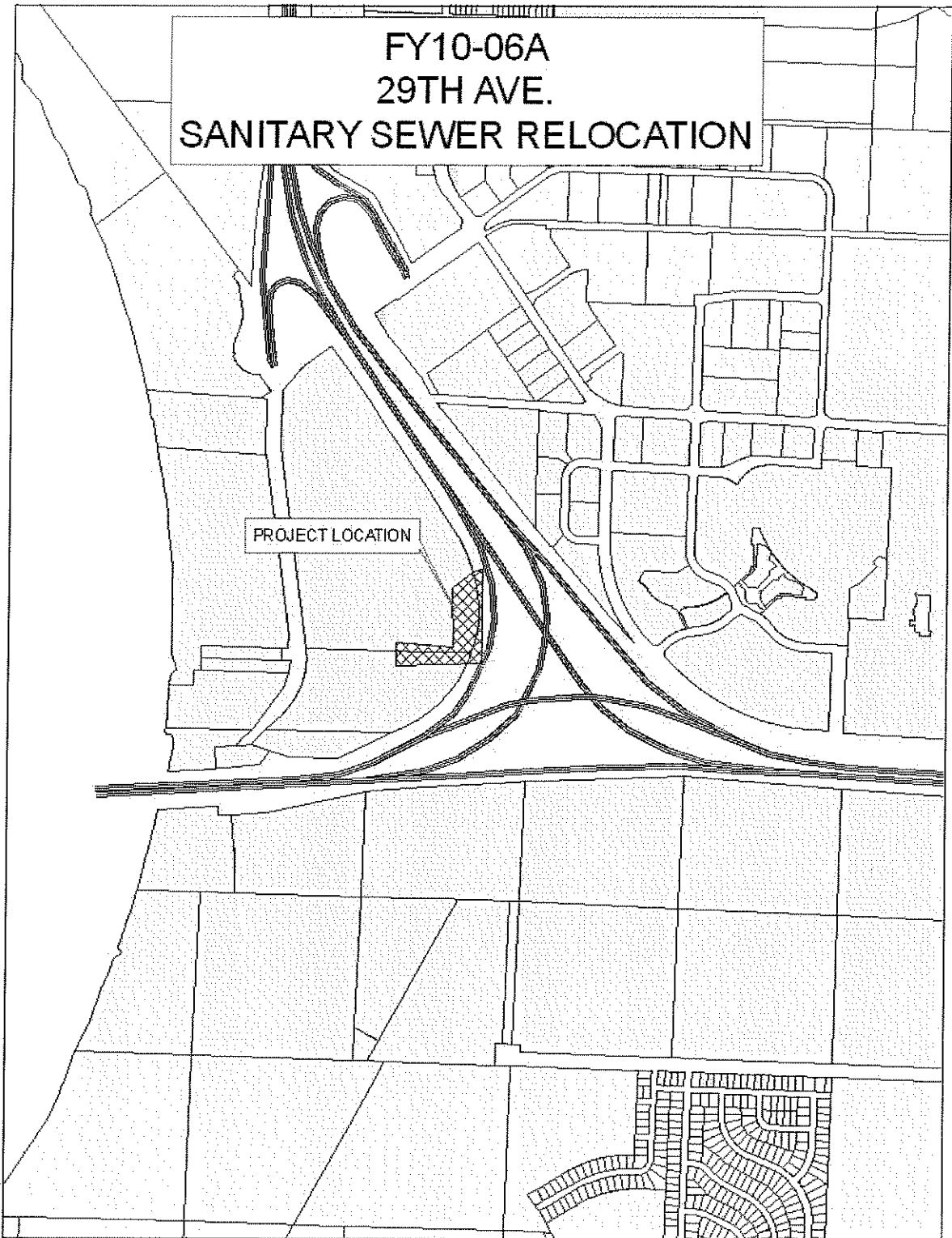
- The Iowa DOT is reconstructing I-80/I-29 through Council Bluffs. The new interstate location conflicts with the 29th Avenue outfall sewer. The Iowa DOT has instructed the city to relocate this sewer by July 2010.
- The relocation involves moving the sewer alignment out of the interstate work zone prior to interstate construction.
- IDOT agreement addressing reimbursement has been approved by council.
- Project schedule is set public hearing, September 28, 2009; hold public hearing, October 12, 2009; letting, November 10, 2009; award, November 23, 2009; construction beginning, December, 2009; completion, July 1, 2010.
- This is project FY10-06A and is estimated at \$1.22 Million. It is anticipated that IDOT will reimburse 97%. Therefore, the City's share will be \$37,000 and be funded with Sales Tax.

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

FY10-06A
29TH AVE.
SANITARY SEWER RELOCATION



RESOLUTION
NO 09-297

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
29TH AVENUE OUTFALL RELOCATION FOR I-80/I-29
RECONSTRUCTION SEGMENT 2
FY10-06A**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the 29th Avenue Outfall Relocation for I-80/I-29 Reconstruction, Segment 2; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on October 12, 2009.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the 29th Avenue Outfall Relocation for I-80/I-29 Reconstruction, Segment 2 and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED October 12, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading October 12, 2009

Case/Project No.: FY11-22

Resolution No. 09-298

Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting November 3, 2009, at 10:00 a.m. as the date and time for the bid opening for CBPW Operations Facility-Site Preparations-Project I. CIP #FY11-22.

BACKGROUND/DISCUSSION

- Recently the State of Iowa initiated the IJOBS program. It is a multipart program funded by \$830 million over three years. The program intent is to assist the state in recovery from natural disasters in 2008 and to create or preserve jobs.
- The city has been successful in obtaining an IJOBS grant in the amount of \$3,869,000.
- The grant provides for construction of a 37,400 SF joint operations center housing Council Bluffs Public Works Street, Sewer, and Traffic Maintenance personnel and equipment. The facility would be located on a parcel of ground the city has previously purchased to accommodate the eventual relocation of all public works divisions to a central location. The proposed building will house 65 employees and 60 major pieces of equipment. In the spring of 2009 a new \$5 million Fleet Maintenance Facility was located on this site. Total cost of the project is \$7,738,000.
- To fast track the construction, a site preparation contract is proposed. The work consists of removal of existing rubble fill at the site located at 10th Avenue and 10th Street. Rubble fill will be removed under proposed parking lots and buildings, and will be replaced with clean fill. Building pads will also be surcharged so that they are ready for spring construction.
- Estimated cost of the site preparation is \$535,000. 50% will be funded by IJOBS and the city match will be funded with G. O. Bonds, gaming funds, road use tax funds, and sewer funds.
- Project schedule provides for a public hearing on October 12, 2009, November 3, 2009, letting and November 9, 2009 contract award.

RECOMMENDATION

Approval of this resolution.

RESOLUTION
NO 09-298

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
CBPW OPERATIONS FACILITY-SITE PREPARATION- PROJECT I
FY11-22**

WHEREAS, the plans, specification, form of contract and cost estimate
 are on file in the office of the City Clerk of the City of
 Council Bluffs, Iowa for the CBPW Operations Facility-Site
 Preparation-Project I; and

WHEREAS, A Notice of Public Hearing was published as required
 by law, and a public hearing was held on October 12, 2009.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the
CBPW Operations Facility-Site Preparation-Project I and the City Clerk is hereby authorized to
advertise for bids for said project.

ADOPTED
AND
APPROVED October 12, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading October 12, 2009

Case/Project No.: FY09-10B

Resolution No. 09-299

Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting October 29, 2009, at 10:00 a.m. as the date and time for the bid opening for Oak Street Sanitary Sewer Relocation. Project # FY09-10B.

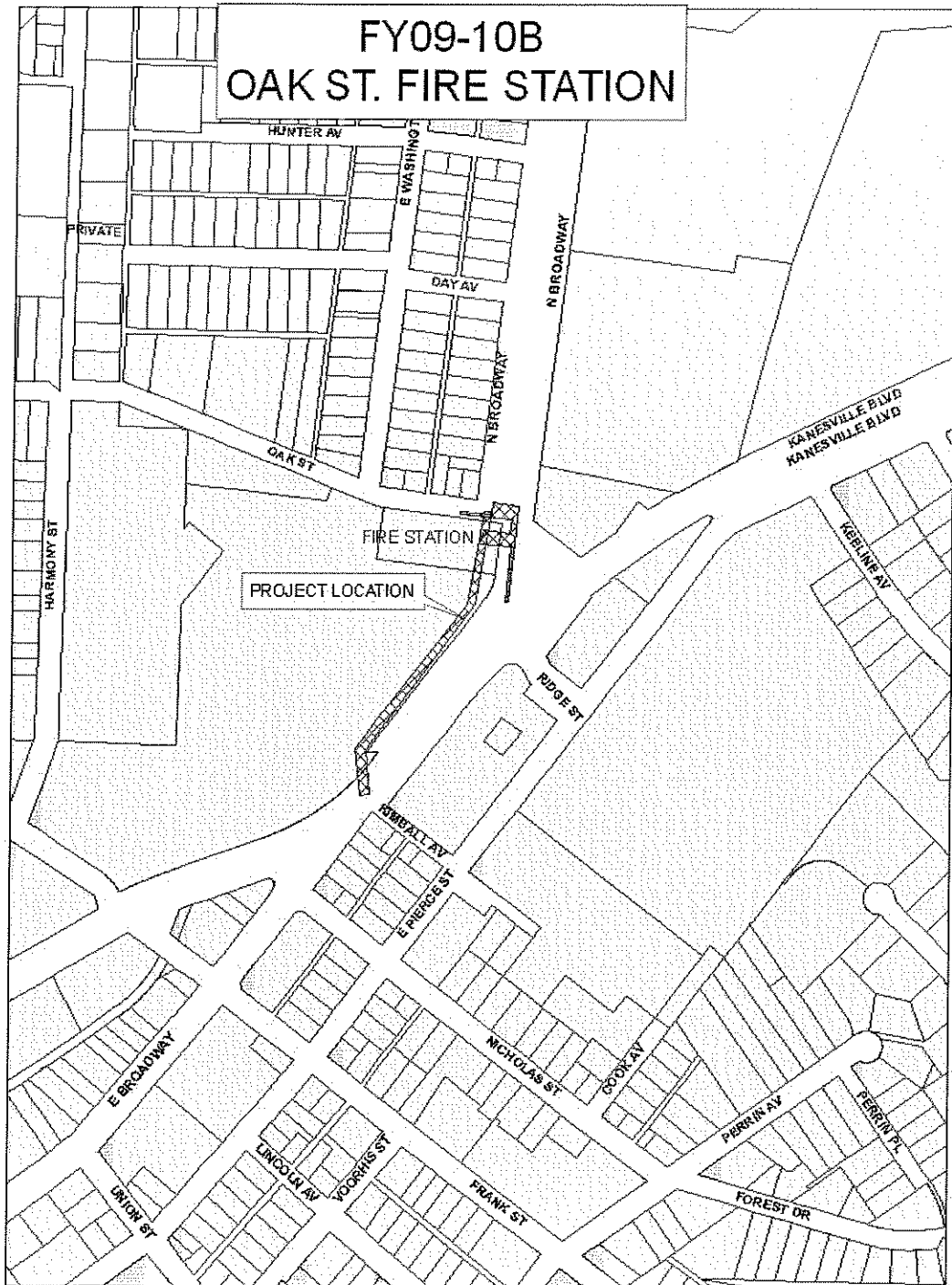
BACKGROUND/DISCUSSION

- Approximately 150 homes are served by the sanitary sewer in Oak Street that traverses east on Oak Street to a siphon structure under Indian Creek to the sanitary sewer main located east of the creek in North Broadway.
- The Oak Street Fire Station Bridge, CIP project FY09-10A will be replaced in 2010 with a new culvert structure.
- Construction of the Fire Station Bridge will require driving steel sheetpile which will sever the Oak Street sanitary line requiring by-pass pumping of the sanitary for the duration of the project.
- The sanitary siphon structure for the Oak Street sanitary under Indian Creek is old and most likely will require replacement.
- Siphon structures are high maintenance and can result in sanitary backups due to plugging.
- To eliminate the need the by-pass pumping of sanitary for the Fire Station Bridge replacement and to delete a siphon structure this project will construct a gravity flow sanitary sewer from Oak Street to the sanitary sewer in Kanesville Blvd. west of North Broadway.
- The project is programmed in the CIP for FY09 as Project FY09-10B. The project will be completed prior to the Fire Station Bridge replacement in 2010. The project cost is \$140,000 and is funded by G. O. Bonds.
- The project schedule is Set Public Hearing, September 28, 2009; Hold Public Hearing, October 12, 2009; Bid Letting, October 29, 2009; and Awarding November 9, 2009.

RECOMMENDATION

Approval of this resolution.

FY09-10B
OAK ST. FIRE STATION



RESOLUTION
NO 09-299

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
OAK STREET SANITARY SEWER RELOCATION
FY09-10B**

WHEREAS, the plans, specification, form of contract and cost estimate
 are on file in the office of the City Clerk of the City of
 Council Bluffs, Iowa for the Oak Street Sanitary Sewer
 Relocation; and

WHEREAS, A Notice of Public Hearing was published as required
 by law, and a public hearing was held on October 12, 2009.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the
Oak Street Sanitary Sewer Relocation and the City Clerk is hereby authorized to advertise for
bids for said project.

ADOPTED
AND
APPROVED October 12, 2009

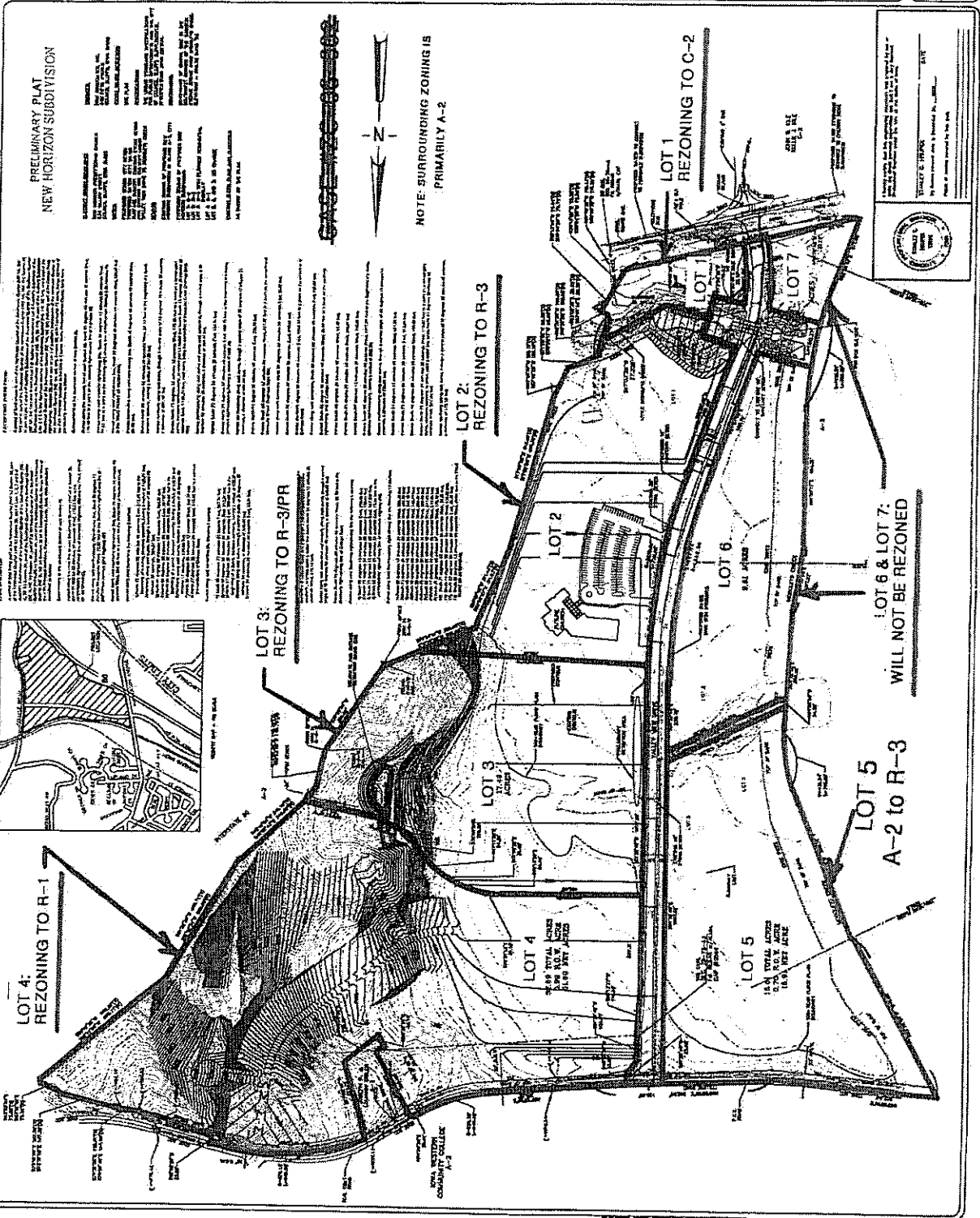
Thomas P. Hanafan, Mayor

ATTEST:

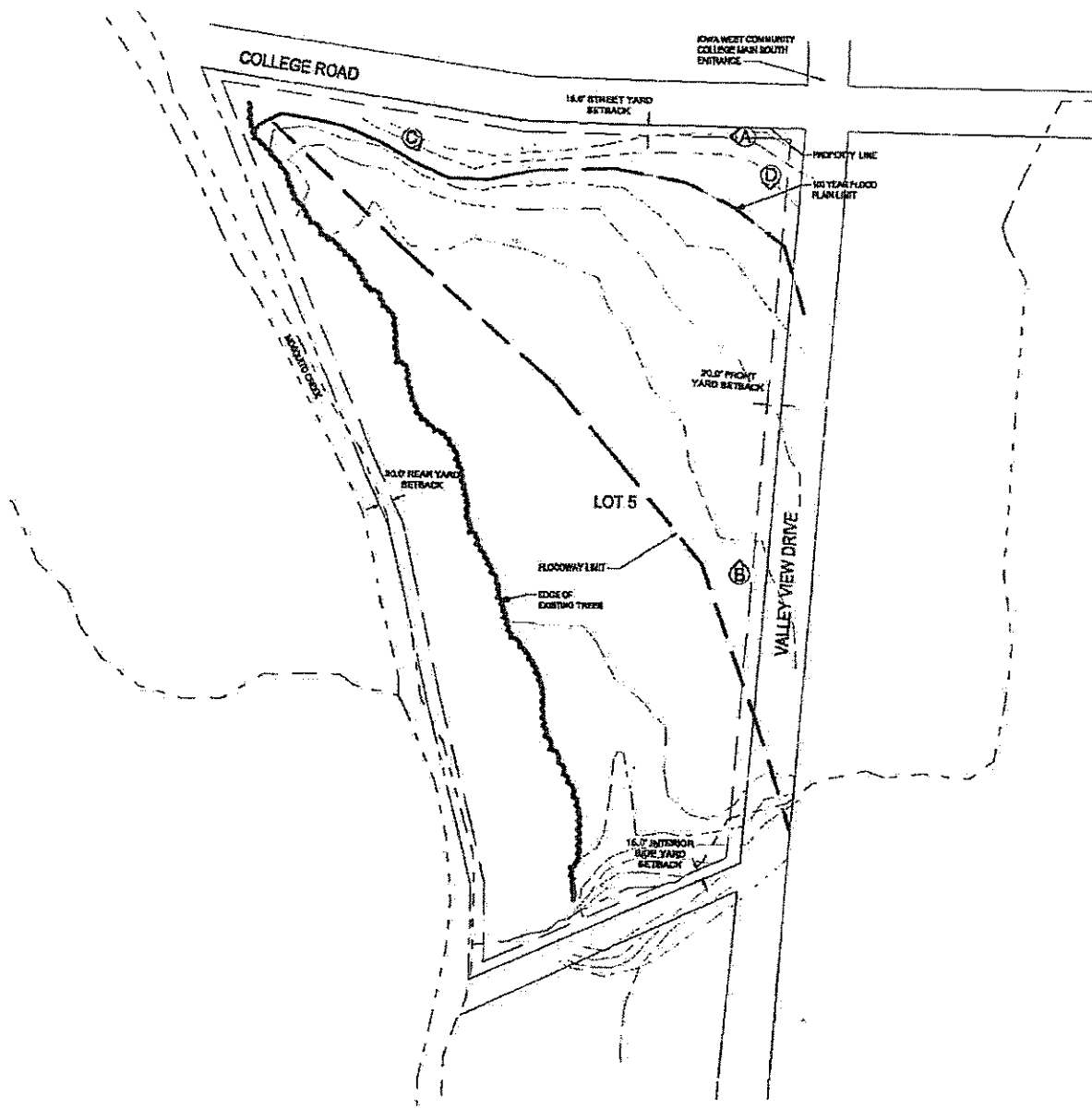
Marcia L. Worden, City Clerk

Council Commission

Department: Community Development Case No. ZC-09-006 Applicant: Council Bluffs Community School District	Ordinance No. <u>6043</u>	City Council: September 28, 2009 Planning Commission Meeting: September 8, 2009 First Reading <u>9/28/2009</u> Second Reading <u>10/12/2009</u> Third Reading _____
Subject/Title Rezone Lot 5, New Horizon Subdivision from A-2/Parks, Estates and Agricultural to R-3/Low Density Multi-family Residential. Location: West side of Valley View Drive, south of College Road.		
Background/Discussion Council Bluffs Community School District has a contract to purchase Lot 5, New Horizon Subdivision from New Horizon Presbyterian Church. The school district intends to build a new elementary school on the 16 acre site located along the west side of Valley View Drive. New Horizon Subdivision was platted into seven lots by Resolution No. 06-151 dated June 12, 2006. Each lot has direct access to Valley View Drive. Lots 5, 6 and 7 on the west side of Valley View Drive retained the A-2/Parks, Estates and Agricultural District zoning. The church intended to use some of that land for playing fields. Schools are not a permitted use in an A-2 District. Rezoning as shown on the map became effective with final plat approval. New Horizon Presbyterian Church built on Lot 2, is zoned R-3. Construction has not begun for a senior living community proposed for Lot 3 or a single family residential subdivision proposed for Lot 4. No abutting property owners have responded to the notice of the proposed rezoning. All utilities can be extended to serve the proposed school. MidAmerican Energy has overhead and underground electric lines in the vicinity. All costs to extend or relocate these facilities will be borne by the owner. Easements necessary for new access will be provided to MidAmerican at no cost. Arrangements are almost complete for installation of streetlights along Valley View Drive. Public streets, water, storm and sanitary sewer systems are available with adequate capacity to serve the proposed use. Mosquito Creek is the western property boundary. Much of Lot 5 is in flood plain or floodway. The school district is aware of the limitations to the buildable area on the lot and the need to bring in fill to elevate the land to comply with flood plain management regulations. See the 'existing conditions' attachment. The future land use map in the 1994 Comprehensive Plan shows the land west of Valley View Drive as vacant, agricultural and floodway use with residential uses to the east. The proposed rezoning is generally consistent with the future land use in the Comprehensive Plan when considering the proposed school/adjacent land use along with the need to comply with the federally mandated flood plain management requirements.		
Recommendation The Community Development Department recommends rezoning Lot 5, New Horizon Subdivision from A-2/Parks, Estates and Agricultural to R-3/Low Density Multi-family Residential, subject to proof of acquisition of Lot 5 by the Council Bluffs Community School District.		
Public Hearing Greg Rodgers, Board of Education, Glen Mitchell, School Board Member and Ron Tekippe, HGM & Associates, Inc. appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission Recommendation The Council Bluffs Community School District acquired Lot 5, New Horizon Subdivision eliminating the condition recommended by the Community Development Department. The Planning Commission recommends rezoning Lot 5, New Horizon Subdivision from A-2/Parks, Estates and Agricultural to R-3/Low Density Multi-family Residential.		
VOTE: AYE 8 NAY 1 ABSTAIN 1 ABSENT 1 Motion: Carried		
Owner: New Horizon Presbyterian Church, 30 Valley View Dr., Council Bluffs, IA 51503		
Applicant: Council Bluffs Community School District		
Attn: Greg Rodgers, Secretary to the Board of Education, 12 Scott St., Council Bluffs, IA 51503		
Attachments: Zoning Map and Existing Conditions		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		



CASE #ZC-09-006



EXISTING CONDITONS

1" = 200'-0"

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: Civ Clerk, 209 Pearl Street, Council Bluffs, IA

ORDINANCE NO. 6043

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF VALLEY VIEW DRIVE, SOUTH OF COLLEGE ROAD, FROM A-2/PARKS, ESTATES AND AGRICULTURAL TO R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.05 AND 15.10 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located on the west side of Valley View Drive, south of College Road, legally described as follows:

Lot 5, New Horizon Subdivision, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as A-2/Parks, Estates and Agricultural, to R-3/Low Density Multi-Family Residential, as set forth and defined in Chapters 15.05 and 15.10 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN

Mayor

Attest:

MARCIA L. WORDEN

City Clerk

FIRST CONSIDERATION: September 28, 2009
SECOND CONSIDERATION: October 12, 2009
PUBLIC HEARING: October 12, 2009
THIRD CONSIDERATION:

Council Communication

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>09 -300</u>	City Council: October 12, 2009 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: September 14, 2009
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Subject/Title

Phase I of the 28th Avenue Extension Project - Grading Improvements

Location

28th Avenue between South 18th Street and South 19th Street

Background/Discussion

Background

The City has been working on developing and redeveloping the area south of 23rd Avenue and west of Indian Creek for several years. This has involved the installation of infrastructure to support several residential infill subdivisions. To date, approximately 150 lots have been created. The project has been initiated and completed in several phases due to financial constraints. As revenues are secured additional phases can be initiated. The current phase of the project includes 28th Avenue from South 18th Street to South 19th Street. This phase of the project will result in the creation of seven (7) single family lots.

Discussion

This particular project will be developed in two phases. Phase I of the project will involve grading the site and Phase II will involve the sewer lateral extensions, storm sewer intakes and piping, water main extension and street paving. Phase II of the project is not expected to be let until the winter of 2009 with construction in the spring of 2010 and completion in June of 2010.

On September 14, 2009, a public hearing was held and City Council approved the plans, specifications and form of contract for this project. Bids from interested contractors were due on September 29, 2009. Four bids were received. They are summarized below:

<u>Bidder</u>	<u>Total Bid</u>
Anderson Excavating	\$73,933.75
Vixen Construction	\$75,324.00
D & D Construction	\$77,510.75
Fucinaro Excavating	\$85,953.22

The engineer's estimate was \$91,097.50. After reviewing and verifying the bids, Anderson Excavating was determined to be the low bidder. This project has an estimated start date of October 26, 2009 and should be completed by the end of November. It is anticipated that existing project fund balances and CDBG-R revenues will be sufficient to pay for project costs.

Engineering Recommendation

HGM Associates Inc. has reviewed and tabulated the bids received for this project. They recommend award of the contract to Anderson Excavating.

Staff Recommendation

The Community Development Department recommends acceptance of the bid from Anderson Excavating in the amount of \$73,933.75 for Phase I of the 28th Avenue Extension Project - Grading Improvements.

RESOLUTION NO. 09-300

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH ANDERSON EXCAVATING FOR PHASE I OF THE 28TH AVENUE EXTENSION PROJECT – GRADING IMPROVEMENTS.

- WHEREAS,** The City wishes to make improvements known as Phase I of the 28th Avenue Extension Project – Grading Improvements within the City, as therein described; and
- WHEREAS,** This project will involve the grading of 28th Avenue between South 18th Street and South 19th Street; and
- WHEREAS,** Such improvements are required to accommodate the further development of the area residentially; and
- WHEREAS,** The plans, specifications and form of contract for the grading improvements are on file in the office of the City Clerk; and
- WHEREAS,** A Notice of Public Hearing was published as required by law and a public hearing was held on September 14, 2009 and the plans, specifications and form of contract were approved; and
- WHEREAS,** Anderson Excavating has submitted a low bid in the amount of \$73,933.75 for this contract.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the bid from Anderson Excavating in the amount of \$73,933.75 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with Phase I of the 28th Avenue Extension Project – Grading Improvements; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered and directed to execute an agreement with Anderson Excavating for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED
AND
APPROVED:

October 12, 2009

Thomas P. Hanafan Mayor

ATTEST: _____
Marcia L. Worden City Clerk

Council Communication

Department: Parks, Recreation and Public Property Case/Project No. Applicant: Larry N. Foster	Ordinance No. _____ Resolution No. <u>09-301</u>	Date: <u>October 12, 2009</u>
Subject/Title		
On October 12, 2009, the City Council will be asked to accept the Bass Pro Roof Replacement Project as substantially complete.		
Background/Discussion		
After City Council approval, McKinnis Roofing & Sheet Metal and the City of Council Bluffs signed an agreement on June 22, 2009, for the Bass Pro Roof Replacement Project for the amount of \$277,925.00. During construction, a deduct change order in the amount of \$3,500 was approved to reflect the cost savings for not reinstalling the Bass Pro sign. Additionally, less roof membrane seam repair was required, resulting in a second deduct change order of \$3,100.00.		
Recommendation		
I recommend that the City Council adopt the resolution declaring the Bass Pro Roof Replacement Project as substantially complete and authorize the Finance Department to release the retainage of \$27,132.50 in 30 days.		

Larry N. Foster, Director
Parks, Recreation and Public Property

Mayor Thomas P. Hanafan

RESOLUTION NO: 09-301

RESOLUTION ACCEPTING THE COMPLETION OF THE BASS PRO ROOF REPLACEMENT PROJECT AND DIRECTING THE DIRECTOR OF FINANCE TO RELEASE RETAINAGE OF \$27,132.50 IN 30 DAYS.

WHEREAS, McKinnis Roofing & Sheet Metal has completed the work required for the Bass Pro Roof Replacement Project; and

WHEREAS, the City of Council Bluffs City Council has been advised and does believe the contract has been completed.

NOW, THEREFORE, BE IT RESOLVED
BY THE
CITY COUNCIL OF THE
CITY OF COUNCIL BLUFFS, IOWA

That McKinnis Roofing & Sheet Metal has successfully completed the Bass Pro Roof Replacement Project. That the Director of Finance be and is hereby authorized to release the retainage of \$27,132.50 in 30 days.

ADOPTED
AND
APPROVED October 12, 2009

Thomas P. Hanafan Mayor

Attest:

Marcia Worden City Clerk

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. _____

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Miller Druc d/b/a Oden Place DAY PHONE: 712-388-2452
ADDRESS: 201-295 W. Broadway St. DOB: _____

DATE & TIME OF LOSS/ACCIDENT: 2008, 2009 West Broadway Reconstruction
LOCATION OF LOSS/ACCIDENT: 201-295 W. Broadway Parking Lot
DESCRIPTION OF LOSS/ACCIDENT: City, City Contractors & Subs. Water Works & Public Works wear + TEAR on the parking lot for 2 years (SEE ATTACHED ESTIMATES)

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$20,000 plus (Would be a percentage of the TOTAL)
WITNESS(ES) (Name(s), Address(es), Phone No(s)): Anyone who is involved with the project or travels this path. (similar to EXCEL Lot)

WAS POLICE REPORT FILED _____ YES X NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

N/A

HAVE YOU RESUMED NORMAL ACTIVITIES? _____ YES X NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION: The additional wear + TEAR above normal use of the park lot by the city, City Contractors & Subs, Water Works & Public Works is additional to the general public using as a cut through STREET.

LIST INSURANCE PROVIDER AND COVERAGE _____

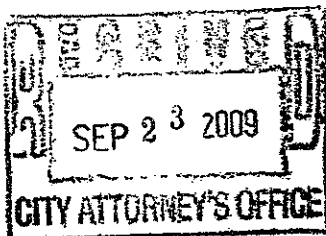
I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

9/14/09
DATE

CLAIMANT'S SIGNATURE

Quiller



2009 SEP 23 A 11:14
COUNCIL BLUFFS
CITY CLERK

PROPOSAL

ASPHALT SEALING AND STRIPING LLC

25078 McPherson Ave. Council Bluffs, IA 51503

Fax (712) 323-7779

Mobile (712) 669-1676

DATE-9-11-09

ADDRESS: 535 W. Broadway Suite 100

CITY/STATE/ZIP: Council Bluffs, Ia. 51503

JOB PHONE: 402-681-1467

JOB FAX: 712-388-2454

PROPOSAL SUBMITTED TO: Heartland Properties

JOB NAME: Ogden Place

JOB LOCATION: W. Broadway

JOB CONTACT: Scott Belt

We hereby Submit Specifications and estimates for the following for the sum of; \$20,603.40

Asphalt overlay of entire parking lot approximately 17,916 square feet.

Price includes restriping parking lot with all grids and handicaps

Striping: Parking lot will be striped in the same manner it is now unless advised otherwise. It may be striped in either yellow or white – your preference.

THIS PROPOSAL INCLUDES: Cleaning, Striping and all labor and materials.

Payment to be made as follows: Net upon completion

Acceptance of proposal; The above prices, Specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. And Payment will be made as outlined above.

SIGNATURE _____

SIGNATURE Ther Wobbe

Date of Acceptance _____



CENTURY ASPHALT

Specializing in Parking Lot Maintenance



Paving • Seal Coaters • Striping • Crack Filling • Snow Removal • Residential • Commercial • Industrial
830 12th Avenue • Council Bluffs, Iowa 51501 • (712) 322-2227

HEARTLAND PROPERTIES PROPOSAL AND CONTRACT

TO: ATTN: SCOTT BELT

DATE: 9/9/09
PROJECT NAME: OGDEN PLACE
PROJECT LOCATION:
OWNER:

We are pleased to submit our Proposal for construction work at the above project as follows:

DESCRIPTION OF WORK

CLEAN EXISTING PARKING LOT AT OGDEN PLACE APPROXIMATELY 19,668 SQUARE FEET. REPAIR DAMAGED AREAS AND POTHOLES. APPLY A FULL TACK COAT THEN INSTALL AN AVERAGE OF 2" HOT ASPHALT OVERLAY TO AREA AND COMPACT. LAYOUT AND RESTRIPE PER EXISTING LAYOUT. THIS CAN BE DONE FOR \$1.15 PER SQUARE FOOT.

EXCLUSIONS: Bonds, Permits, Soil Testing, Staking & Layout, Removals, Sub Grade Prep, Backfill, Seed, Sod, Disturbed Areas, Utility Adjustments and Traffic Control. If material is required to stabilize sub-base, this will be billed on a "Time & Material" basis.

Payment required at completion of work.

NOTE: If this proposal meets with your approval and you desire to enter into a contract, please so indicate by signing and returning to us the original and one copy of this proposal which shall become a contract upon, but not before acceptance by us. Upon acceptance, a duly executed counterpart will be returned to you. This proposal may be withdrawn by us if not accepted within ____ days.

TERMS: Payment in full due upon completion of work covered herein, unless prior terms have been agreed upon and made a part of this contract in writing. Should this contract be referred to an attorney for collection, you will be charged reasonable attorney's fees and court costs and other collection costs as permitted by law. A finance charge will be added to the unpaid balance on accounts over 30 days at the rate of 1.5% per month at an annual rate of 18%.

ACCEPTANCE - BUYER: This contract. The terms and conditions as set forth herein are agreeable as specified and have so indicated by setting forth our signature(s).

NAME OF COMPANY - OWNER (Please Print)

AUTHORIZED SIGNATURE

NAME DATE

NAME DATE

ACCEPTANCE - CONTRACTOR

We, Century Asphalt, hereby agree to perform the work as specified herein. Also that all material is guaranteed to be as specified and that all work is to be completed in a workmanlike manner according to standard practices.

AUTHORIZED REPRESENTATIVE

6.A. FILE

DATE

-31-

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503
Telephone (712) 328-4620

CITY CLAIM NO. _____

COUNCIL BLUFFS
CITY CLERK

NOTICE OF CLAIM/LOSS

2009 OCT -5 A 11: 34

NAME OF CLAIMANT: LAZY mule leathers
ADDRESS: 115 W Broadway DOB: LAZYMULE DAY PHONE: 256-6939
SS# _____

DATE & TIME OF LOSS/ACCIDENT: Aug 6 - 2009 - 2-3 pm

LOCATION OF LOSS/ACCIDENT: 115 W Broadway

DESCRIPTION OF LOSS/ACCIDENT: WAS watching truck Hoe carry a piece of Equipment
When I noticed the whole place shaking and watched the
window start to crack

TOTAL DAMAGES CLAIMED: \$ 425⁰⁰ to 525⁰⁰ (USE BACK OF FORM, IF NECESSARY)

WITNESS(ES) (Name(s), Address(es), Phone No(s).) Dan Way - Cheryl Way (Owners)

WAS POLICE REPORT FILED YES ☒ YES ☐ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

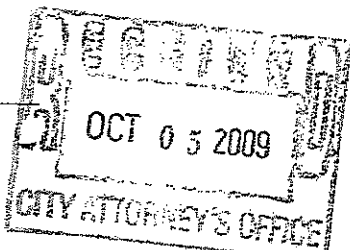
IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF PHOTOGRAPHS, ESTIMATES, INVOICES, AND ANY

OTHER RELEVANT INFORMATION: Window continues to crack with the activity
Outside

LIST INSURANCE PROVIDER AND COVERAGE: _____

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3), CODE OF IOWA)



[Signature]
CLAIMANT'S SIGNATURE

TO: ✓ DANIEL BEUTEL, 5923 S 152ND AVE OMAHA NE 68137 - OWNER
PERSON IN POSSESSION, 1618 7TH AVE COUNCIL BLUFFS IA 51501 - PERSON IN POSSESSION
CITY OF COUNCIL BLUFFS c/o CITY CLERK, 209 PEARL ST COUNCIL BLUFFS IA 51503 - CITY LIMITS
ANY OTHER UNKNOWN PERSONS WITH INTEREST

NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION

In accordance with Iowa Code Section 447.9 you are hereby notified that:

1. The property described in paragraph 2 of this Notice was sold at tax sale on
the 18th day of June, 2007. The purchaser at tax sale was HAWKEYE LIEN SERVICES/US
BANK.
2. The legal description of the property sold is:

THE WEST (W) 45 FEET OF LOT 12 EXCEPT FOR THE NORTH (N) 6 FEET FOR ALLEY, ALL IN
BLOCK 25, EVERETT'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA
a/k/a PARCEL # 000035261009644000000 n/k/a 754435261007 a/k/a 1618 7TH AVE COUNCIL BLUFFS IA
51501
3. That your right of redemption as set forth in the Iowa Code will expire unless redemption of
the property is made within 90 days from the date of completed service of this Notice.
4. If the right of redemption is allowed to expire, a tax deed will be issued by the
Treasurer of POTTAWATTAMIE County.

By Chris Newhouse, Agent for Hawkeye Lien Services/US Bank
Chris Newhouse, Agent for HAWKEYE LIEN SERVICES/US BANK
6224

2009 OCT - 2 PM 4: 20
COUNCIL BLUFFS
CITY CLERK

TO: R STEVEN ANDERSON a/k/a ROBERT S ANDERSON, 717 87TH ST OMAHA NE 68114 - OWNER
R STEVEN ANDERSON a/k/a ROBERT S ANDERSON, 261 KIMBALL ST GRAND ISLAND NE 68801 - OWNER
R STEVEN ANDERSON a/k/a ROBERT S ANDERSON c/o CAROL ANDERSON, 140 GRANT ST #4 COUNCIL BLUFFS
IA 51503 - OWNER/PERSON IN WHOSE NAME PARCEL IS TAXED
PERSON IN POSSESSION, 739 MYNSTER ST COUNCIL BLUFFS IA 51503 - PERSON IN POSSESSION
CITY OF COUNCIL BLUFFS c/o CITY CLERK, 209 PEARL ST COUNCIL BLUFFS IA 51503 - CITY LIMITS
NEBRASKA STATE BANK OF OMAHA N/K/A MUTUAL OF OMAHA BANK, 17041 LAKESIDE HILLS PLZ OMAHA NE
68130 - MORTGAGE HOLDER
SHERYL B ANDERSON a/k/a SHERYL STOBEL a/k/a SHERYL MCKINNIS, 330 GUNBARREL RD GRAND ISLAND
NE 68801 - CHILD SUPPORT LIEN
SHERYL B ANDERSON a/k/a SHERYL STOBEL a/k/a SHERYL MCKINNIS, 1405 KOENING ST GRAND ISLAND NE
68801 - CHILD SUPPORT LIEN
TORY S CARKOSKI, 2450 S CANTERBURY LN LINCOLN NE 68515 - JUDGMENT CREDITOR
POTTAWATTAMIE COUNTY LOCAL CSRU, 300 W BROADWAY STE 32 COUNCIL BLUFFS IA 51503 - CHILD
SUPPORT LIEN
NEBRASKA HHS CHILD SUPPORT ENFORCEMENT, PO BOX 83306 LINCOLN NE 68501 - CHILD SUPPORT LIEN
POTTAWATTAMIE COUNTY AUDITOR, 227 S 6TH ST COUNCIL BLUFFS IA 51501 - COURT COSTS
POTTAWATTAMIE COUNTY ATTORNEY, 227 S 6TH ST COUNCIL BLUFFS IA 51501 - COURT COSTS
IOWA ATTORNEY GENERAL, 1305 E WALNUT ST RM 109 DES MOINES IA 50319 - COURT COSTS
ANY OTHER UNKNOWN PERSONS WITH INTEREST

NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION

In accordance with Iowa Code Section 447.9 you are hereby notified that:

1. The property described in paragraph 2 of this Notice was sold at tax sale on the 18th day of June, 2007. The purchaser at tax sale was GULF VENTURES/US BANK.
2. The legal description of the property sold is:
LOT 11 IN BLOCK 4, BAYLISS FIRST ADDITION, COUNCIL BLUFFS, IOWA, EXCEPT SOUTH (S) 60 FEET AND ALSO EXCEPT TRACT DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 6 FEET EAST (E) OF NORTHWEST (NW) CORNER OF SAID LOT 11 RUNNING SOUTHWESTERLY 30.5 FEET UNTIL IT INTERSECTS THE WEST (W) LINE OF SAID LOT 11 THENCE NORTHERLY ALONG SAID WEST (W) LINE 30 FEET TO THE NORTHWEST CORNER OF SAID LOT 11, THENCE EASTERLY 6 FEET TO PLACE OF BEGINNING, BUT SUBJECT (NW) TO EASEMENT OF THE SAID TRIANGULAR TRACT ABOVE DESCRIBED AND THAT PART OF LOT 6 BLOCK 2, GRIMES ADDITION TO COUNCIL BLUFFS, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 129 FEET EAST (E) OF THE SOUTHWEST (SW) CORNER OF SAID LOT, RUNNING THENCE EAST (E) 6 1/2 FEET, OR TO SOUTHEAST (SE) CORNER OF SAID LOT 6, THENCE NORTH (N) 35 1/3 (THIRTY-FIVE AND ONE-THIRD) FEET, THENCE SOUTHWESTERLY 37.5 FEET TO THE PLACE OF BEGINNING; AND THAT PART OF LOT 5 IN BLOCK 2, GRIMES ADDITION TO COUNCIL BLUFFS, IOWA DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST (NE) CORNER OF SAID LOT 5, RUNNING THENCE WEST (W) ON THE NORTH (N) LINE OF SAID LOT 5, 6.4 FEET; THENCE SOUTH (S) 11 1/4 DEGREES WEST (W) TO A POINT 34 1/2 FEET FROM THE NORTH (N) LINE OF SAID LOT 5, THENCE EAST (E) ON A LINE PARALLEL WITH THE NORTH (N) LINE OF SAID LOT, 14 FEET TO THE EAST (E) LINE OF SAID LOT, THENCE NORTH (N) ON THE EAST (E) LINE OF SAID LOT, 34 1/2 FEET TO THE PLACE OF BEGINNING, SUBJECT TO AN WITH THE BENEFIT OF AN EASEMENT FOR DRIVEWAY PURPOSES OVER A PART OF LOT 11 IN BLOCK 4 BAYLISS FIRST ADDITION AND OVER A PART OF LOT 5 AND 6 IN BLOCK 2, GRIMES ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA a/k/a PARCEL # 000035312011821000000 n/k/a 754425387001 a/k/a 739 MYNSTER ST COUNCIL BLUFFS IA 51503
3. That your right of redemption as set forth in the Iowa Code will expire unless redemption of the property is made within 90 days from the date of completed service of this Notice.
4. If the right of redemption is allowed to expire, a tax deed will be issued by the Treasurer of POTTAWATTAMIE County.

By Chris Newhouse, Agent for Gulf Ventures/US Bank
Chris Newhouse, Agent for GULF VENTURES/US BANK

OFFER TO BUY CITY PROPERTY

COUNCIL BLUFFS
CITY CLERK

Council Bluffs, Pottawattamie County, Iowa _____, 2001

2009 SEP 28 A 10:45

TO: THE CITY OF COUNCIL BLUFFS, IOWA:

THE UNDERSIGNED (herein designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, described as follows:

COUNCIL BLUFFS
COMMUNITY DEVELOPMENT DEPT.

See "Exhibit A" - Ref. 15

SEP 28 2009

RECEIVED

together with any easements and servient estates appurtenant thereto, but with reservations and exceptions only as follows:

(a) Title shall be taken subject to applicable zoning restrictions, except as in (1) below;

(b) And subject to easements of record for public utilities, public roads and public highways;

at \$1.36 per square foot, for a total sum of \$4,857.81, payable at the office of the City Clerk, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503, as follows:

by payment of \$485.78 (down payment is required in the amount of \$25.00 or 10% of the total purchase price, whichever is greater) herewith to be held by the City Clerk of Council Bluffs, Iowa, pending passage of an ordinance authorizing vacation and disposal of the described property, and authorizing the Mayor and City Clerk of Council Bluffs, Iowa, to execute the City Deed to the described property, and the balance of \$4,372.03 to be paid upon execution and delivery of the City Deed by the Mayor and City Clerk of Council Bluffs, Iowa.

1. SPECIAL USE. This offer is void unless Buyers are permitted, under any existing zoning and building restrictions, immediately to make the following conforming use of said real estate: N/A

2. TAXES. All subsequent taxes shall be paid by Buyers.

3. SPECIAL ASSESSMENTS. All subsequent special assessments shall be paid by Buyers.

4. INSURANCE. Buyers, if they desire, may obtain insurance to cover risk of loss from hazards.

5. POSSESSION. Buyers are entitled to possession of the described property upon payment of the balance due and receipt of the City Deed.

6. REJECTED OFFER. If this offer is rejected by the City Council of the City of Council Bluffs, Pottawattamie County, Iowa, it shall become null and void and all payments shall be repaid to the Buyers.

7. DEED. Upon payment of the purchase price, the City shall convey title by City Deed, free and clear of liens and incumbrances, reservations, exceptions or modifications except as in this instrument otherwise expressly provided. All warranties shall extend to time of acceptance of this offer and delivery of deed.

8. OTHER PROVISIONS:

[Signature]
Buyer

Buyer's Spouse

Executive Director
Title

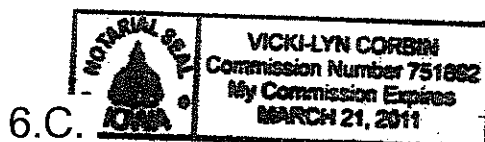
7N 0 St
Address

325-1000
Telephone

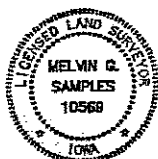
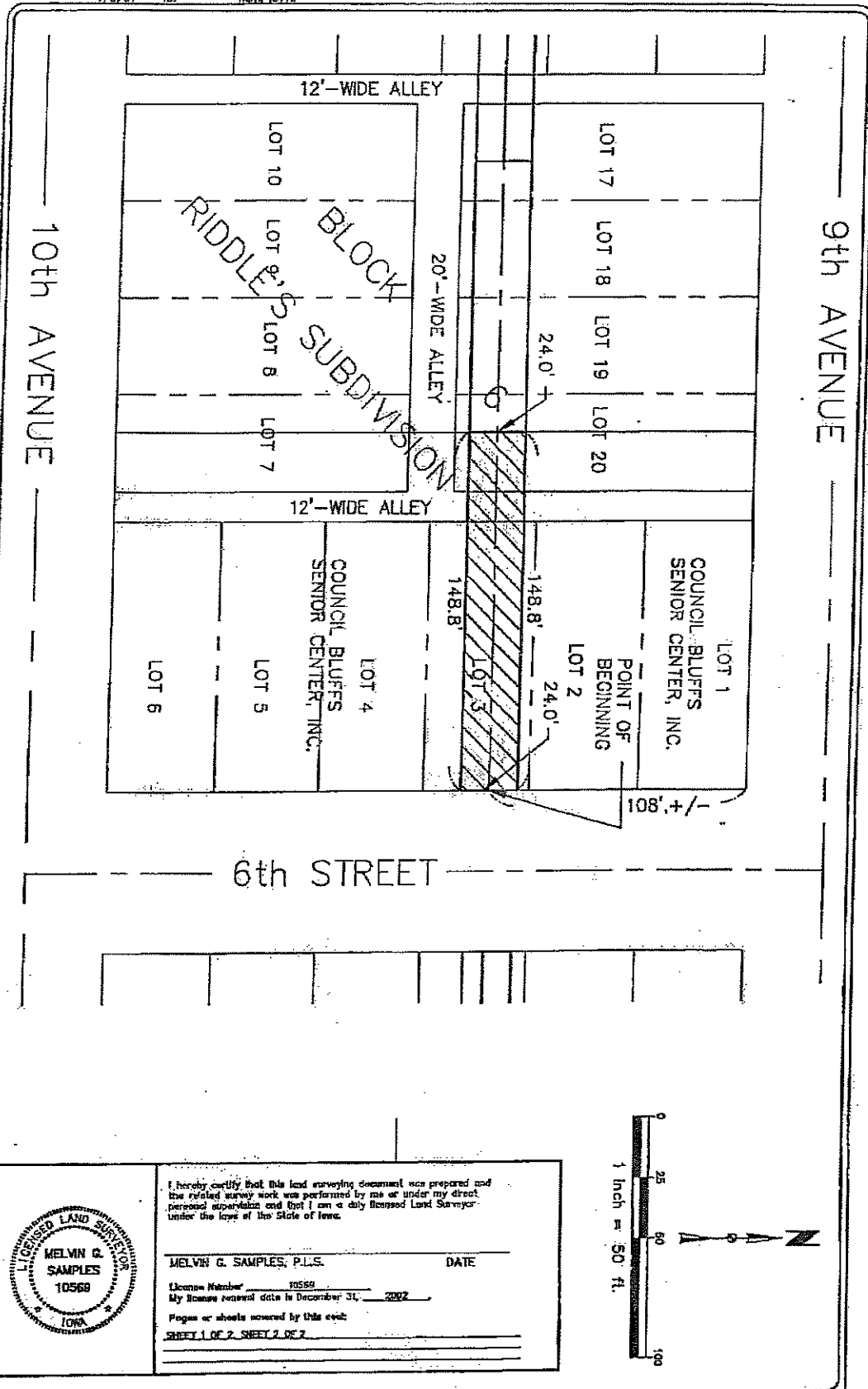
STATE OF IOWA)
COUNTY OF) SS.
POTTAWATTAMIE)

On this 28 day of SEPTEMBER, 2009, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared ANDREA KATHOL, to me known to be the identical persons named in and who executed the within and foregoing instrument "Offer To Buy City Property" in its entirety and acknowledged that they executed the same as their voluntary act and deed.

[Signature]
Notary Public in and for said State



1/8/01 To: HSP# 15110



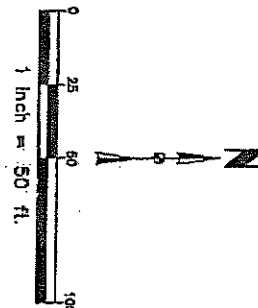
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MELVIN G. SAMPLES, P.L.S. DATE

License Number 10568
My license renewal date is December 31, 2002

Pages or sheets covered by this cert:

SHEET 1 OF 2, SHEET 2 OF 2



Project No.
15110
Date
1/8/01
Sheet
1 OF 2

project ABANDONED UPRR PROPERTY
client CB PLANNING & COMMUNITY DEVELOPMENT
sheet C.B. SENIOR CEN 6.C. IC.

SLH
drawn
designed
MGS
approved

hgm
ASSOCIATES INC.
ENGINEERS ARCHITECTS SURVEYORS
CONSULTANTS

Sheet 2 of 2

A strip of land, 24.0 feet in width, being a portion of Block 6, Riddle's Subdivision in the City of Council Bluffs, Pottawattamie County, Iowa, said strip being all of that land lying between lines that are parallel with and 12.0 feet on each side of the following described centerline:

Commencing at the northeast corner of said Block 6;

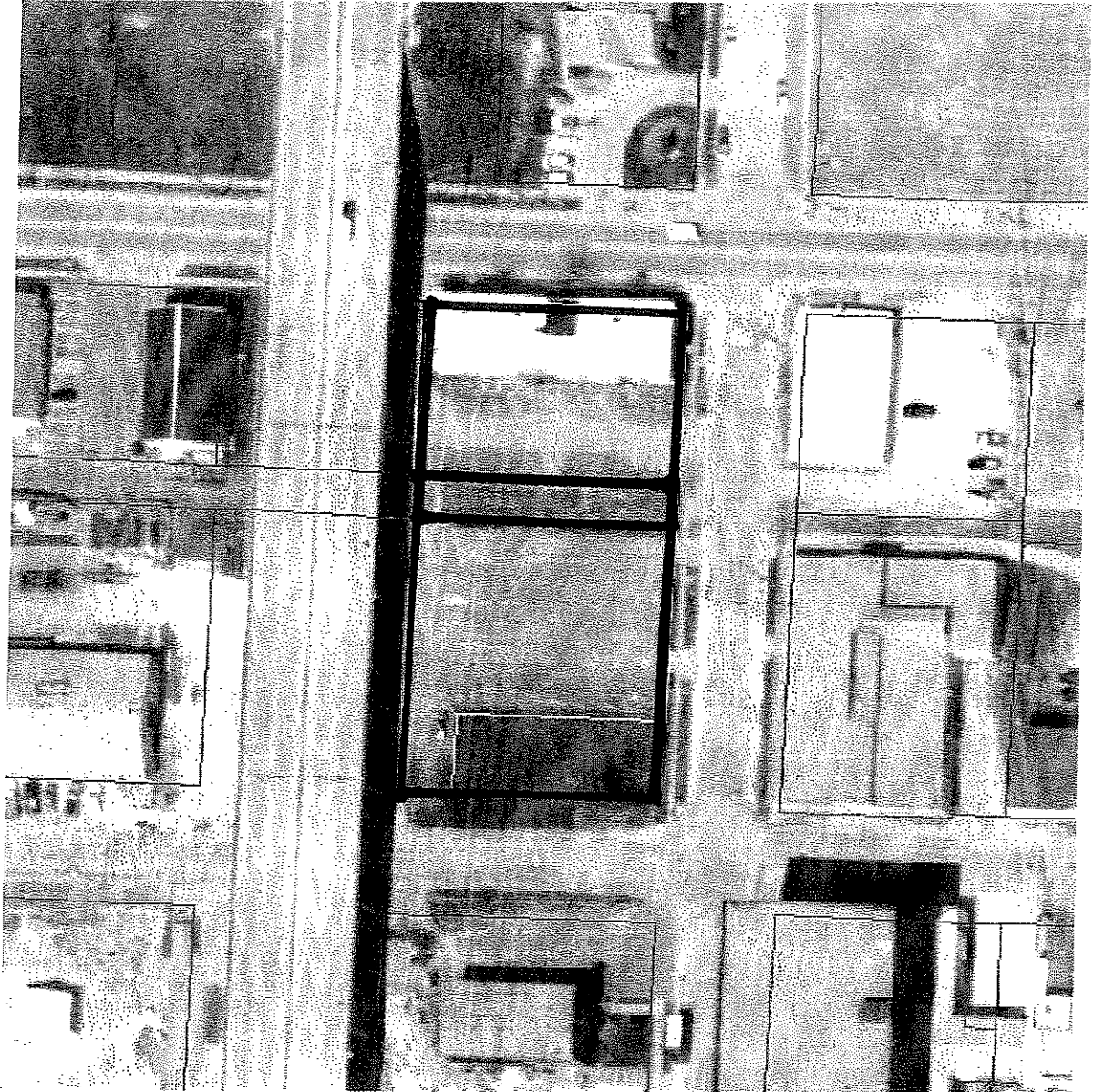
thence southerly, along the east line of said Block 6, 108 feet, more or less, to a point on the centerline of a railroad track as formally constructed and operated, said point being the TRUE POINT OF BEGINNING;

thence westerly, along said centerline of track, 148.8, more or less, to the intersection with the northerly prolongation of the westerly line of a parcel of land as conveyed by Jake E. Crookham to Council Bluffs Senior Center, Inc. by Warranty Deed dated April 4, 1984, recorded April 4, 1984 in Book 84, Page 17830 Records of the Pottawattamie County Recorder, said intersection being the terminus of said centerline description.

Said strip contains an area of 0.082 acres, more or less.

c:\workfile\15110\strip no. 14.doc (cas)

900-924 S. 6th St.



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- > Privileges
- > Applicant
- > Status Of Business
- > Ownership
- > Criminal History
- > Premises
- > General Premises
- > Applicant Signature
- > Draft Cert
- > Local Endorse
- > History

Applicant LC0034932, Goldmine Bar & Grill, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Name of Applicant: Goldmine Grill, LLC (Sole Proprietorship, Partnership, Corporation, etc.)
 Name of Business (D/B/A): Goldmine Bar & Grill
 Address of Premise: 1601 S. 3rd St.
 Address Line 2:
 City: Council Bluffs
 County: Pottawattamie
 Zip: 51503
 Business Phone: (712) 325-9315 Cell / Home Phone: (712) 328-1148
☐ Same Address
 Mailing Address: 1703 28th Ave
 Mailing Address Line 2:
 City: Council Bluffs State: Iowa
 Zip: 51501
 Contact Name: Donatta Merksick
 Phone: (712) 328-1148 Email Address: tonymerksick@cob.net

[Prev](#)

[Next](#)

Phone: (565) 469-2223
 FAX: (515) 281-7375

[Terms of Service](#)
[Privacy Policy](#)

Renewal
 CITY CLERK'S OFFICE
 POLICE *RD*
 FIRE *RD*
 HEALTH *Ch*
 BUILDING *RD*
 ZONING *RS*

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> License

> Privileges

> Applicant

> Status Of Business

> Ownership

> Criminal History

> Premises

> General Premises

> Applicant Signature

> Dram Cert

> Local Endorse

> History

Applicant LC0024672, Inn Between Lounge, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Name of Applicant: Inn Between Lounge, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Inn Between Lounge

Address of Premise: 2700 2nd Ave

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501-0000

Business Phone: (712) 322-8622

Cell / Home Phone: (712) 347-6852

☐ Same Address

Mailing Address: 2700 2nd Avenue

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501-0000

Contact Name: Jon

Phone: (712) 322-8622

Email Address: nachmidt@phlyins.com

[Prev](#)

[Next](#)

Phone: (866) 463-2223
FAX: (515) 281-7375

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Applicant LC0035584, Mexico Lindo Market & Restaurant, Council Bluffs

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Name of Applicant: HARO Inc (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Mexico Lindo Market & Restaurant
Address of Premise: 2210 W. Broadway
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51501
Business Phone: (712) 256-3990 **Cell / Home Phone:** (402) 484-0492
☐ Same Address
Mailing Address: 2210 W. Broadway
Mailing Address Line 2:
City: Council Bluffs **State:** Iowa
Zip: 51501
Contact Name: Guillermo Haro
Phone: (402) 580-0269 **Email Address:** jimooock@excite.com

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Applicant LE0000762, Sams Club #6472, Council Bluffs

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Name of Applicant: Sam's West Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Sams Club #6472

Address of Premise: 3221 Manawa Centre Dr

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501-0000

Business Phone: (712) 366-0130

Cell / Home Phone:

Same Address

Mailing Address: 702 SW 8th Street

Mailing Address Line 2:

City: Bentonville

State: Arkansas

Zip: 72716-0500

Contact Name: Andrea Lazenby

Phone: (479) 204-9973

Email Address: Andrea.Lazenby@wal-mart.c

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Applicant LC0032854, Shenanigans, Council Bluffs

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Name of Applicant: North 8th Street, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)
 Name of Business (D/B/A): Shenanigans
 Address of Premise: 800 N. 8th St.
 Address Line 2:
 City: Council Bluffs
 County: Pottawattamie
 Zip: 51503
 Business Phone: (712) 322-6894 Cell / Home Phone: (712) 322-5360
☐ Same Address
 Mailing Address: 2505 N. 8th St.
 Mailing Address Line 2:
 City: Council Bluffs State: Iowa
 Zip: 51503
 Contact Name: Mike Petry
 Phone: (712) 322-1604 Email Address: mikepetry@aol.com

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